

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #8	CCRB Case #: 201610118	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/18/2016 10:45 PM	Location of Incident: New Haven Avenue and Caffrey Avenue	Precinct: 101	18 Mo. SOL 5/18/2018	EO SOL 5/18/2018	
Date/Time CV Reported Thu, 12/08/2016 4:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/08/2016 4:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Carlos Segovia	26422	937513	GANG QS
2. POM Nicholas Ventimiglia	12331	945337	101 PCT
3. POM John Hansen	24182	943348	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Carlos Segovia	Abuse: Police Officer Carlos Segovia stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Carlos Segovia	Discourtesy: Police Officer Carlos Segovia acted discourteously toward § 87(2)(b)	
C.POM Carlos Segovia	Discourtesy: Police Officer Carlos Segovia spoke discourteously to § 87(2)(b)	
D.POM Carlos Segovia	Abuse: Police Officer Carlos Segovia refused to provide his badge number to § 87(2)(b)	
E.POM Nicholas Ventimiglia	Abuse: Police Officer Nicholas Ventimiglia refused to provide his badge number to § 87(2)(b)	
F.POM John Hansen	Abuse: Police Officer John Hansen refused to provide his badge number to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Summary of Complaint

On November 18th, 2016, at approximately 10:50PM, § 87(2)(b) was driving his grey Audi, in which his girlfriend, § 87(2)(b) and their three year old son were passengers, when he was stopped at the corner of New Haven Avenue and Caffrey Avenue in Queens by Police Officer Carlos Segovia, Police Officer Nicholas Ventimiglia, and Police Officer John Hansen, who at that time were all assigned to the 101st Precinct, and were driving a black Chevy Impala (**Allegation A**). After informing § 87(2)(b) that he had been stopped because of his window tints, PO Segovia allegedly threw § 87(2)(b)'s license and registration back into § 87(2)(b)'s car (**Allegation B**). At this time, PO Segovia also allegedly told § 87(2)(b) to “get the fuck out of here (**Allegation C**).” When § 87(2)(b) asked all three officers for their badge numbers, all three officers allegedly refused to provide § 87(2)(b) with this information, got back into the black Impala, and drove away (**Allegation D, Allegation E, and Allegation F**).

There is no video footage that captures this incident.

On December 19th, 2016, this case was reassigned from Investigator Prakash to Investigator Ridge.

Mediation, Civil and Criminal Histories

- This case was suitable for mediation and it was offered to § 87(2)(b) during his initial phone statement and during his in-person interview at the CCRB (BR01, BR02). In both instances, § 87(2)(b) rejected mediation.
- The NYC Office of the Comptroller responded to a request on March 31st, 2017, indicating that no notice of claim has been filed by § 87(2)(b) in regards to this incident (BR 03).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- PO Segovia has been a member of service for 12 years, and this is the ninth CCRB complaint filed against him (BR06). PO Segovia has one substantiated allegation against him for Abuse-Vehicle search. This substantiated allegation stems from CCRB Case 201113436. The NYPD disposed of this allegation with No Disciplinary Action-DUP. § 87(4-b) § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(4-b) § 87(2)(g) The previous nine cases have generated a total of 14 allegations,
§ 87(2)(g)

- PO Ventimiglia has been a member of service for nine years, and this is the seventh CCRB complaint filed against him (BR07). PO Ventimiglia has one substantiated allegation against him for Abuse-Stop. This substantiated allegation stems from CCRB Case 201406088. The NYPD disposed of this allegation with Formalized Training. § 87(4-b) § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g) The previous ten cases have generated a total of eight allegations, one of which is Abuse-Stop.

- PO Hansen has been a member of service for ten years, and this is the tenth CCRB complaint filed against him (BR08). § 87(4-b) § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g) PO Hansen has one substantiated allegation for Abuse-Frisk, one for Abuse-Search (of person), and one for Abuse-Stop stemming from CCRB Case 201310255, and the NYPD disposed of all three allegations with Command Discipline-A. § 87(4-b) § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g). The previous nine cases have generated a total of 22 allegations, one of which is Abuse-Stop.

Potential Issues

- The witness to the incident, § 87(2)(b) has not provided a statement. Between January 4th, 2017, and March 7th, 2017, Inv. Ridge placed eight calls to, and on March 23rd, 2017, sent one text message to the phone number provided for § 87(2)(b) by § 87(2)(b). Inv. Ridge did not receive any automated texts back indicating that this was an invalid number. Between February 7th, 2017, and February 14th, 2017, Inv. Ridge sent two letters to § 87(2)(b)'s mailing address provided by § 87(2)(b). On March 1st, 2017, Inv. Ridge received a letter back from the USPS for § 87(2)(b)'s address. In a follow-up call to § 87(2)(b), § 87(2)(b) provided an updated address for § 87(2)(b). Between March 7th, 2017, and March 16th, 2017, Inv. Ridge sent two letters to § 87(2)(b)'s updated address. Neither of these letters was returned by the USPS.

Recommendations

Allegation A—Abuse of Authority: Police Officer Carlos Segovia stopped the vehicle in which § 87(2)(b) was an occupant.

During his in-person interview at the CCRB, and in greater detail in a follow-up phone statement, § 87(2)(b) testified that on November 18th, at approximately 10:45PM, he was parked in front of a fire hydrant in front of his apartment building at § 87(2)(b) § 87(2)(b) in

Queens (BR02, BR09). § 87(2)(b) was waiting for his girlfriend, § 87(2)(b) and his § 87(2)(b)-year-old-son to come down from his apartment building and to get in his car, which is a gray Audi, so that he could drive them back to their apartment. All of the windows of all four doors of § 87(2)(b)'s car are tinted. § 87(2)(b) is aware that the window tints are illegal. On April 7th, 2017, § 87(2)(b) sent Inv. Ridge an e-mail containing two photographs which show that at least the two side windows and the front windshield of § 87(2)(b)'s car are tinted (BR10, BR11). At some point while § 87(2)(b) was waiting for § 87(2)(b) and his son, § 87(2)(b) saw a black Chevy Impala park in a nearby parking spot. After about ten to 15 minutes, § 87(2)(b) and § 87(2)(b)'s son together arrived and got into § 87(2)(b)'s car. § 87(2)(b) was playing with his phone the entire time that he was waiting.

After § 87(2)(b) and § 87(2)(b)'s son entered § 87(2)(b)'s car, § 87(2)(b) remained parked in front of the fire hydrant for another two minutes while he told § 87(2)(b) about how he believed that the black Impala was a police car because § 87(2)(b) has been stopped by a black Impala in the past.

§ 87(2)(b) pulled away from the fire hydrant, and drove past the black Impala. After § 87(2)(b) passed by the black Impala, the black Impala pulled behind § 87(2)(b)'s car and began to follow him. After about two minutes, § 87(2)(b) saw police lights flashing on the black Impala, so § 87(2)(b) pulled over at the corner of New Haven Avenue and Caffrey Avenue.

PO Segovia, PO Ventimiglia, and PO Hansen together exited the black Impala. PO Segovia came to the driver side window, while either PO Ventimiglia or PO Hansen went to the front passenger side window, and one of these two officers went to another window on the passenger side.

§ 87(2)(b) asked one of the officers why he had been pulled over. PO Segovia said something along the lines of "We'll get to that." § 87(2)(b) already had his license and registration in his hand when PO Segovia approached, and handed them to PO Segovia. PO Segovia did not take § 87(2)(b)'s license and registration anywhere, but instead held on to them. In his CCRB interview, § 87(2)(b) testified that PO Segovia never told § 87(2)(b) why he had been pulled over. However, in his initial phone statement, § 87(2)(b) testified that one of the officers told him that he had been pulled over because of his window tints. About two minutes after § 87(2)(b) had been stopped, PO Segovia, PO Ventimiglia, and PO Hansen together went back to the black Impala and drove away.

In his testimony at the CCRB, PO Segovia stated that on the incident date he was assigned to anti-crime and was on patrol with PO Ventimiglia and PO Hansen in an unmarked vehicle (BR12). While PO Segovia was driving the vehicle, he saw a four-door sedan double parked on the side of the road at the intersection of Beach 15th Street Hasten Road so that it was blocking traffic on the one-way street. Although the fact that the sedan was double parked initially drew PO Segovia attention to the four-door sedan, as he passed the sedan, PO Segovia observed that all four windows on the sedan were tinted so darkly that he could not see into the sedan. PO Segovia drove his vehicle around the block and back to where the sedan was parked. As PO Segovia was turning his vehicle around, the sedan began to pull away. PO Segovia alone made the decision to stop the sedan because of its excessively tinted windows. Shortly before the sedan reached the corner of New Haven Avenue and Caffrey Avenue, PO Segovia turned on the unmarked vehicle's lights and turrets.

PO Segovia, PO Ventimiglia, and PO Hansen together exited their vehicle and approached the sedan. PO Segovia approached the driver side window, and saw § 87(2)(b) seated in the driver seat, § 87(2)(b) seated in the front passenger seat, and a young child in the back seat. PO Segovia did not recognize § 87(2)(b) or § 87(2)(b) and did not know them or a car of their car's make or model to be known to the precinct.

PO Segovia told § 87(2)(b) that he was a police officer, and asked for his license, registration, and insurance card. § 87(2)(b) began to look for these requested items. While § 87(2)(b) was doing this, he asked PO Segovia two or three times why he had been pulled over. Each time that § 87(2)(b) asked PO Segovia this question, PO Segovia told § 87(2)(b) that he had been pulled over because his windows were excessively tinted.

§ 87(2)(b) provided all of the requested paperwork. When PO Segovia saw that all of these items were up to date and valid, he decided to warn and admonish § 87(2)(b). He saw that § 87(2)(b) and the child were in the car with § 87(2)(b) and did not wish to take up any more of their time. PO Segovia handed § 87(2)(b) his license registration, and insurance card and told him to take care of the window tints.

In his testimony at the CCRB, PO Ventimiglia testified that he was sitting in the front passenger seat when PO Segovia stated that a vehicle that they were driving past was double parked and that its windows were tinted (BR13). As they passed the vehicle, PO Ventimiglia also observed these infractions.

During the vehicle stop, PO Ventimiglia was situated between the front passenger side window and the back passenger side window. At the beginning of the stop, PO Ventimiglia heard PO Segovia tell § 87(2)(b) that he had been stopped specifically because of his window tints. The remainder of PO Ventimiglia's testimony regarding the incident was essentially consistent with that provided by PO Segovia.

In his testimony at the CCRB, PO Hansen stated that he was seated directly behind PO Ventimiglia in the rear passenger seat on the right side of the vehicle (BR14). From where he was sitting in the unmarked vehicle, after PO Segovia pointed out the vehicle that was double parked on the side of the street, PO Hansen observed that the vehicle was double parked, and that all of its windows on the vehicle were tinted so that he could not see into the vehicle. As he was turning the unmarked vehicle around, PO Segovia told PO Hansen and PO Ventimiglia that he was going to stop the vehicle because of its tints. The remainder of PO Hansen's testimony regarding this allegation was essentially consistent with that provided by PO Ventimiglia.

People v. Ingle, 36 N.Y. 2d 413(1975) states that "A single automobile may be stopped for a "routine traffic check" when a police officer reasonably suspects a violation of the Vehicle and Traffic Law (BR15)."

The 2016 Edition of the Vehicle and Traffic Law of the State of New York, Section 37512-a. (b) indicates that "No person shall operate any motor vehicle upon any public highway, road or street ... if it is classified as a station wagon, sedan, hardtop, coupe, hatchback or convertible and any rear side window has a light transmittance of less than seventy percent (BR16)."

According to People v. Ingle, police officers have the legal authority to stop a motor vehicle when they have a reasonable suspicion that Vehicle and Traffic law are being violated.

§ 87(2)(g)

§ 87(2)(g)

Allegation B—Discourtesy: Police Officer Carlos Segovia acted discourteously toward

§ 87(2)(b)

Allegation C—Discourtesy: Police Officer Carlos Segovia spoke discourteously to § 87(2)(b)

In his interview at the CCRB, § 87(2)(b) testified that he could tell that PO Segovia was being aggressive during the incident because he had a “screw face” and he spoke in a “controlling” manner (BR02). After § 87(2)(b) handed PO Segovia his license, he believed that he told PO Segovia about how he is always getting pulled over by the police, that the police are always using every excuse to pull him over, that his car is often getting searched by police because of its tints, and that having his car searched for this reason is not legal because he should receive a ticket for them instead.

PO Segovia responded rudely to this, but § 87(2)(b) could not remember what he specifically said. When he responded to § 87(2)(b) PO Segovia was using a raised voice. In his intake phone statement, § 87(2)(b) stated that PO Segovia told him to “get the fuck out of here (BR01).” In his initial phone statement, § 87(2)(b) stated that PO Segovia told him that he was “not writing him a fucking ticket (BR01).”

The remaining portions of § 87(2)(b)'s testimonies regarding these allegations were essentially consistent. After using a sentence with the word “fuck” in it, PO Segovia threw § 87(2)(b)'s license and registration back into § 87(2)(b)'s car through the driver seat window and told § 87(2)(b) that he would catch him by himself without his family. The car registration landed on the dashboard, and the proof of insurance landed somewhere under the steering wheel.

PO Segovia testified that § 87(2)(b) used the same tone of voice the two or three times that he asked why he had been pulled over, and that § 87(2)(b) was not yelling when he asked this (BR12). PO Segovia believed that by asking the question several times, § 87(2)(b) indicated that he was agitated about being pulled over. After § 87(2)(b) found his license and registration, he gave them to PO Segovia.

After determining that § 87(2)(b)'s license and registration were up to date, PO Segovia handed these items back to § 87(2)(b) and asked him to take care of the tints on his vehicle. PO Segovia did not throw or drop § 87(2)(b)'s license and registration when he was handing them back to § 87(2)(b). PO Segovia never needed to calm § 87(2)(b) down, as the conversation never became heated. PO Segovia did not use the word “fuck” at all during the incident. PO Segovia never said “Get the fuck out of here.” The vehicle stop lasted about a minute.

PO Ventimiglia testified that from where he was standing, he was able to hear the conversation between PO Segovia and § 87(2)(b) (BR13). PO Ventimiglia did not hear § 87(2)(b) ask PO Segovia why he had been pulled over. After PO Segovia told § 87(2)(b) why he had been pulled over, § 87(2)(b) gave PO Segovia his license and

registration. The remainder of PO Ventimiglia's testimony regarding the part of the incident involving these allegations is essentially consistent with that provided by PO Segovia.

PO Hansen's testimony regarding these allegations was essentially consistent with that provided by PO Ventimiglia, although PO Hansen added that the stop lasted a minute or two in total (BR14).

Patrol Guide 203-09: Public Contact—General states that members of the service must "be courteous and respectful (BR17)."

§ 87(2)(g)

[REDACTED]

Allegation D—Abuse of Authority: Police Officer Carlos Segovia refused to provide his badge number to § 87(2)(b)

Allegation E—Abuse of Authority: Police Officer Nicholas Ventimiglia refused to provide his badge number to § 87(2)(b)

Allegation F—Abuse of Authority: Police Officer John Hansen refused to provide his badge number to § 87(2)(b)

When he filed his complaint with the CCRB, § 87(2)(b) did not know the names of the officers (BR01). § 87(2)(b) further testified that after PO Segovia threw his license and registration in his car, § 87(2)(b) asked PO Segovia for his badge number, and that PO Segovia did not respond in any way (BR02). When PO Segovia did not respond to this question, § 87(2)(b) asked PO Ventimiglia and PO Hansen for their badge numbers by shouting it out loudly so that they could hear the question, as they were on the other side of the car. PO Ventimiglia and PO Hansen did nothing to indicate that they had heard § 87(2)(b)'s question, and all three officers returned to the unmarked vehicle after PO Segovia threw § 87(2)(b)'s license and registration back into his car.

PO Segovia testified that no civilians on scene asked him, PO Ventimiglia, or PO Hansen for their badge numbers at any point (BR12). PO Segovia stated that as soon as he handed § 87(2)(b)'s license and registration to § 87(2)(b) and as soon as he warned and admonished § 87(2)(b) PO Segovia began to walk away, and so did not hear if § 87(2)(b) said anything else to him or exactly how § 87(2)(b) reacted to being told that he had been warned and admonished for having excessively tinted windows.

PO Ventimiglia testified that § 87(2)(b) did not ask him, PO Segovia, or PO Hansen for their badge numbers or any identifying information throughout the course of the incident (BR13).

PO Hansen also testified that § 87(2)(b) did not ask him, PO Segovia, or PO Ventimiglia for their badge numbers any identifying information throughout the course of the incident (BR14).

Patrol Guide 203-09: Public Contact—General states that members of the service must “Courteously and clearly state [their] rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so (BR17).”

§ 87(4-b) § 87(2)(g)

[REDACTED]

§ 87(4-b) § 87(2)(g)

[REDACTED]

[REDACTED]

Squad: 8

Investigator: _____
Signature Print Date

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Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date